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CPA/16338  
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INTELLECTUAL PROPERTY LAW  
(PATENT, BIOTECHNOLOGY, COMPUTER,  
TRADEMARK & TRADE SECRET LAW)

**Docket No.: D5442C/CIP**  
**Anticipated Classification of this application:**  
**Class: 128 Subclass:**  
**Prior application: 09/026,882**  
**Examiner: S. Huff**  
**Art unit: 1633**

ASSISTANT COMMISSIONER FOR PATENTS  
BOX CPA  
WASHINGTON, D.C. 20231

### CONTINUED PROSECUTION APPLICATION (CPA)

- I. This is a request for a filing under the continued prosecution application procedure, 37 CFR 1.53(d).
  - A. A prior complete non-provisional application Serial Number 09/026,882, was filed on February 19, 1998.
  - B. Under the title: "Immunotoxins Directed Against CD33 Related Surface Antigens" (as filed originally).
  - C. Name of applicants(s) (as originally filed and as last amended) and current correspondence address of applicant(s).

01/16/2001 AWONDAF1 00000102 09026882

01 FC:231

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1. FULL NAME OF INVENTOR	FAMILY NAME Rosenblum	FIRST GIVEN NAME Michael	SECOND GIVEN NAME G.
RESIDENCE & CITIZENSHIP	CITY Sugar Land	STATE OR FOREIGN COUNTRY Texas	COUNTRY OF CITIZENSHIP United States of America
POST OFFICE ADDRESS	POST OFFICE ADDRESS 3127 Stoney Mist Drive	CITY Sugar Land	STATE & ZIP CODE/ COUNTRY Texas 77479 USA

**II.** The above-identified application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this request for a continued prosecution application. Please use all the contents of the prior application file jacket, including the drawings, as the basic papers for the continued prosecution application and assign the application number of the above-identified application to the continued prosecution application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

**III. Declaration or Oath**

A. Continuation: ☒ none required

**IV. Identification of Claims for Further Prosecution**

The fees to be charged are to be based on the number of claims remaining as a result of the:

- attached preliminary amendment.
- unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.
- ☒ claims as on file in the prior application.

## V. Fee Calculation

CLAIMS FOR FEE CALCULATION				
	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$355
TOTAL CLAIMS	- 17	0	X \$9	\$
INDEPENDENT CLAIMS	- 2	0	X \$39	\$
MULTIPLE DEPENDENT CLAIM(S), IF ANY		0	X \$130	\$
FILING FEE CALCULATION				\$355.00

## VI. Small Entity Statement

- ☒ A small entity statement was filed in the parent Serial No. 09/026,882, filed on February 19, 1998 is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

## VII. Fee Payment Being Made at This Time: Attached

- ☒ Filing fee \$355  
☐ Recording assignment (\$40.00; 37 CFR 1.21(h)).  
☐ Processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))

**TOTAL FILING FEES ENCLOSED \$355**

## VIII. Method of Payment of Fees

- ☒ Attached is a check in the amount of \$745 (\$355 filing fee + \$390 for an Additional Two Month Extension)  
☒ Please charge Account No. 07-1185 in the event the filing fee amount was calculated incorrectly.

## IX. Relate Back--35 U.S.C. 120

- ☒ Amend the first lines of the specification by inserting between "This Applications is" and "a continuation-in-part", --a continued prosecution application of continuation-in-part application Serial No. No. 09/026,882, filed on February 19, 1998, now abandoned, which is--

## X. Assignment

- ☐ The prior non-provisional application Serial Number \_\_\_\_\_, filed on \_\_\_\_\_ was assigned of record at Reel \_\_, Frame \_\_\_\_\_ on \_\_\_\_\_ to \_\_\_\_\_

**XI. Power of Attorney**

- ☒ The power appears in the prior application.  
☒ Address all future communications to:

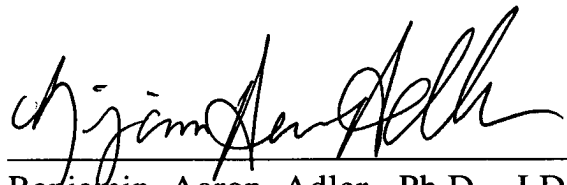
Benjamin Aaron Adler, Ph.D., J.D.  
Adler & Associates  
8011 Candle Lane  
Houston TX 77071  
(713)777-2321

**XII. Maintenance of Copenency of Prior Application**

- ☒ A copy of the petition for extension of time in the prior application is attached.

DATE: Jan 11, 2001

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